

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

Jonathan-David Fuller,

Civ. No. 23-3467 (JWB/LIB)

Plaintiff,

v.

**ORDER ACCEPTING
REPORT AND RECOMMENDATION
OF MAGISTRATE JUDGE**

Deanna-Fay Madson,
Jessie Behrhorst, and
State of Minnesota Inc.,

Defendants.

Jonathan-David Fuller, pro se Plaintiff.

Deanna-Fay Madson, pro se Defendant.

William M. Topka, Esq., Dakota County Attorney's Office, counsel for Defendant Behrhorst.

United States Magistrate Judge Leo I. Brisbois issued a Report and Recommendation ("R&R") on December 12, 2023. (Doc. No. 18.) After the R&R was filed, Plaintiff filed various documents, which will be liberally construed as his objections to the recommendation that his Complaint be dismissed without prejudice. (Doc. Nos. 19–25.)

The portions of the R&R to which Plaintiff objects are reviewed *de novo* and the findings or recommendations made by the magistrate judge may be accepted, rejected, or modified, in whole or in part. 28 U.S.C. § 636(b)(1); D. Minn. LR 72.2(b)(3). When a party fails to file specific objections to an R&R, *de novo* review is not required. *See Montgomery v. Compass Airlines, LLC*, 98 F. Supp. 3d 1012, 1017 (D. Minn. 2015) (observing that objections to an R&R that merely repeat arguments considered by a magistrate judge are not entitled to *de novo* review). Instead, aspects of an R&R to which no specific objection is made is reviewed for clear error. *Grinder v. Gammon*, 73 F.3d 793, 795 (8th Cir. 1996); *see also* Fed. R. Civ. P. 72(b) advisory committee's note to 1983 amendment. Because Plaintiff is

pro se, his objections are entitled to liberal construction. *Erickson v. Pardus*, 551 U.S. 89, 94 (2007).

Like the arguments stated in Plaintiff's Complaint, his objections are similarly difficult to discern. That said, Plaintiff's objections to the December 12, 2023 R&R have been reviewed. The objections do not identify any error of law or fact that warrant rejecting the recommendations in the R&R. And, after carefully reviewing all other portions of the R&R not specifically objected to, no clear error is found. Based on that review, and in consideration of the applicable law, the R&R is accepted in its entirety.

IT IS HEREBY ORDERED that:

1. Plaintiff's Objections to the Report and Recommendation (Doc. Nos. 19–25) are **OVERRULED**;
2. The Report and Recommendation (Doc. No. 18) is **ACCEPTED**;
3. Defendant Madson's Motion to Dismiss (Doc. No. 9) is **GRANTED IN PART** and **DENIED IN PART**. To the extent the motion requests dismissal for lack of subject-matter jurisdiction, the motion is granted. To the extent the motion requests recovery of costs, the motion is denied.
4. Defendant Behrhorst's Motion to Dismiss (Doc. No. 11) is **GRANTED**;
5. Plaintiff's Complaint is **DISMISSED WITHOUT PREJUDICE**.

LET JUDGEMENT BE ENTERED ACCORDINGLY.

Date: January 23, 2024

s/ Jerry W. Blackwell
JERRY W. BLACKWELL
United States District Judge